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Counsel for Defendant LERMA LOPEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 10-00470 SBA (LB)
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER
vs.)	
)	Date: November 12, 2010
LUCIO LERMA LOPEZ,)	Time: 10:00 a.m.
)	
Defendant.)	
)	

The above-captioned matter is set on November 12, 2010 before this Court for a status hearing. The parties jointly request that the matter be set for a change of plea on November 18, 2010 at 10:00 a.m. The parties further request that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the date of this Stipulation and November 18, 2010.

Mr. Lerma Lopez is charged with one count of illegal reentry into the United States after deportation in violation of 8 U.S.C. § 1326. The parties have not been able to reach a resolution, but Mr. Lerma Lopez is prepared to change his plea without a plea agreement.

The requested continuance will allow the defense time review relevant prior records and to consult with the defendant. The failure to grant such a continuance would unreasonably deny

1 counsel the reasonable time necessary for effective preparation, taking into account the exercise
2 of due diligence.

3 The parties further stipulate and agree that the time from the date of this Stipulation to
4 November 18, 2010, should be excluded in accordance with the provisions of the Speedy Trial
5 Act, 18 U.S.C. §§ 3161(h)(7)(A), on the basis that the ends of justice are served by taking such
6 action which outweigh the best interest of the public and the defendant in a speedy trial and also
7 under 18 U.S.C. § 3161(h)(7)(B)(iv) for effective preparation of counsel, taking into account the
8 exercise of due diligence.

9
10 DATED: November 4, 2010

_____/S/
WILLIAM R. PLETCHER
Special Assistant United States Attorney

11
12 DATED: November 3, 2010

_____/S/
COLLEEN MARTIN
Assistant Federal Public Defender

13
14
15
16 SIGNATURE ATTESTATION

17 I hereby attest that I have on file all holograph signatures for any signatures indicated by
18 a “conformed” signature (/S/) within this e-filed document.

ORDER

GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS
HEREBY ORDERED that the status date in this case, currently scheduled for November 12,
2010 is VACATED. The matter is set for a change of plea on November 18, 2010, at 9:30 a.m.

IT IS FURTHER ORDERED that the time from the date of this Order to November 18,
2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.
§§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends
of justice served by the granting of the continuance outweigh the best interests of the public and
the defendant in a speedy and public trial and the failure to grant the requested continuance
would unreasonably deny counsel the reasonable time necessary for effective preparation, taking
into account due diligence, given the need for the defense to conduct investigation and for
defense counsel to consult with the defendant.

SO ORDERED.

DATED: November 5, 2010



LAUREL BEELER
United States Magistrate Judge